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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

NORMAN PERRY BUTCHER,

Defendant and Appellant.

B210250

(Los Angeles County
Super. Ct. No. BA326859)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Anne Egerton, Judge. Affirmed.

Richard Jay Moller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Norman Butcher was charged with first degree residential burglary. The information also alleged that he had suffered two "strike" prior convictions and two prior felony convictions for which he had served a prison term within the meaning of Penal Code section 667.5, subdivision (b).

The case was tried to a jury, which heard the following evidence: On Monday, August 6, 2007, Veronica Siordia arrived at her office and discovered that a computer, computer monitor, and various office supplies were missing from the receptionist's desk. A drawer or cabinet had been torn out from the desk. Later, the office manager watched a security video taken on the Saturday before the crime, and noticed that the thief wore unusual shoes, white with a black stripe. When the office manager left the office that day, she observed appellant outside the building, wearing those shoes. She called police, who arrested appellant. He had screwdrivers, a wire cutter, and other burglary tools in his backpack. The jury watched the security video.

Appellant was convicted of second degree commercial burglary. (Pen. Code, § 459.) He admitted that he had suffered four prior convictions. The court found that one of those convictions was a conviction under Penal Code sections 11701.12, subdivisions (a) through (d) and 667, subdivision (b), and one was a conviction under Penal Code section 667.5, subdivision (b). Appellant was sentenced to a total of five years in state prison. We appointed counsel to represent him on appeal.

After examination of the record, counsel filed an opening brief which contained an acknowledgment that he had been unable to find any arguable issues. On or before January 30, 2008, counsel advised appellant that he intended to file such a brief, advised appellant that he could submit a supplemental brief in his own behalf, and forwarded a copy of the record on appeal to appellant. Further, on February 2, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider and directed counsel to send a copy of the record on appeal to appellant immediately. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P. J.

KRIEGLER, J.